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**U.S. District Court  
District Of Montana (Helena)  
CIVIL DOCKET FOR CASE #: 6:03-cv-00061-DWM-RKS**

Hendricks v. FBI, et al  
Assigned to: Judge Donald W. Molloy  
Referred to: Magistrate Keith Strong  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/12/2003  
Date Terminated: 03/31/2008  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Stephen Hendricks**

represented by **Jennifer S. Hendricks**  
ATTORNEY AT LAW  
910 Gratz Street  
Knoxville, TN 37917  
865-974-6818  
Fax: 974-0681  
Email: [hendricks@post.harvard.edu](mailto:hendricks@post.harvard.edu)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Peter M. Meloy**  
MELOY LAW FIRM  
PO Box 1241  
80 South Warren  
Helena, MT 59624  
406-442-8670  
Fax: 442-4953  
Email: [mike@meloylawfirm.com](mailto:mike@meloylawfirm.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Federal Bureau of Investigation**  
*TERMINATED: 03/02/2004*

represented by **Elizabeth Shapiro**  
U.S. DEPARTMENT OF JUSTICE –  
CIVIL DIVISION  
PO Box 883  
Ben Franklin Station  
Washington, DC 20044  
202-514-3716  
Fax: 616-8470  
*TERMINATED: 03/02/2004*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jeffrey D. Kahn**  
U.S. DEPARTMENT OF JUSTICE –  
CIVIL DIVISION  
PO Box 883  
Ben Franklin Station  
Washington, DC 20044  
202-514-3716  
Fax: 616-8470  
*TERMINATED: 03/02/2004*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Peter T. Wechsler**

U.S. DEPARTMENT OF JUSTICE –  
CIVIL DIVISION  
PO Box 883  
Ben Franklin Station  
Washington, DC 20044  
202-514-2705  
Fax: 202-616-8470  
Email: [peter.wechsler@usdoj.gov](mailto:peter.wechsler@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bureau of Indian Affairs**  
*TERMINATED: 03/02/2004*

represented by **Elizabeth Shapiro**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey D. Kahn**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Indian Health Service**  
*TERMINATED: 03/02/2004*

represented by **Elizabeth Shapiro**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey D. Kahn**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**United States Attorney**  
*Executive Office*  
*TERMINATED: 03/02/2004*

represented by **Elizabeth Shapiro**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey D. Kahn**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**United States Commission on Civil Rights**

*TERMINATED: 03/02/2004*

represented by **Elizabeth Shapiro**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey D. Kahn**  
(See above for address)  
*TERMINATED: 03/02/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Respondent**

**DEPARTMENT OF JUSTICE**

represented by **Elizabeth Shapiro**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey D. Kahn**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Respondent**

**Department of Interior**

represented by **Elizabeth Shapiro**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey D. Kahn**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Respondent**

**Department of Health and Human Services**

represented by **Elizabeth Shapiro**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey D. Kahn**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/12/2003	1	COMPLAINT – 4 summonses issued, origs & 1 copy of ea hnd to cnsl. (GAR) (Entered: 11/17/2003)
11/12/2003		FILING FEE PAID: on 11/12/03 in the amount of \$ 150.00, receipt # 34653. (GAR) (Entered: 11/17/2003)
11/17/2003		FILE DELIVERED to Clerk, Great Falls, for Judge Ostby (GAR) (Entered: 11/17/2003)
11/18/2003	2	NOTICE OF ASSIGNMENT to Judge Carolyn S. Ostby mailed to attorney(s): Jennifer S. Hendricks for plaintiff Stephen Hendricks, Peter M. Meloy for plaintiff Stephen Hendricks (REW) (Entered: 11/18/2003)
11/18/2003		REMARK–Cpy of DS & Compt to James, cpy of Notice of Consent to Linda (REW) (Entered: 11/18/2003)
11/26/2003	3	NOTICE OF SERVICE by plaintiff Stephen Hendricks of Rule 26(a)(1) Disclosures (orig to Clerk, Gr. Falls, for file) (GAR) (Entered: 12/01/2003)
12/01/2003		NOTICE OF CONSENT TO MAGISTRATE (env left side of file) (LJM) (Entered: 12/01/2003)
12/17/2003	4	UNOPPOSED MOTION by defendants to extend time to answer Pltf's Complaint (GAR) (Entered: 12/17/2003)
12/17/2003	5	NOTICE Regarding Electronic Service Pursuant to L. R. 5.3 by defendants (cp to CSO) (GAR) Modified on 12/17/2003 (Entered: 12/17/2003)
12/17/2003		RED MOTION FILE DELIVERED to Judge Ostby for Motion for Ext of Time (Orig of Motion #4 and Notice #5 to Clk Gr Falls for file) (GAR) (Entered: 12/17/2003)
12/19/2003	6	ORDER by Judge Carolyn S. Ostby granting motion to extend time until Jan 16, 04 to answer Pltf's Complaint [4–1] (cc: all counsel) (REW) (Entered: 12/19/2003)
12/31/2003	7	NOTICE by plaintiff Stephen Hendricks Regarding Electronic Service (copy and Orig to Clerk, Gr. Falls) (GAR) (Entered: 01/05/2004)
01/16/2004	8	ANSWER by defendants complaint [1–1] (Orig & copy to Clerk, Gr. Falls) (GAR) (Entered: 01/16/2004)
01/20/2004	9	NOTICE OF ASSIGNMENT to Judge Carolyn S. Ostby mailed to attorney(s): Elizabeth Shapiro for defendant US Comm on Civ Right, Jeffrey D. Kahn for defendant US Comm on Civ Right (REW) (Entered: 01/20/2004)
01/20/2004		REMARK –File to Linda on Consent (REW) (Entered: 01/20/2004)
02/09/2004		PROPOSED Order to Reassign to DWM and Refer to CSO...to Clerk w/ D/S. (LJM) (Entered: 02/09/2004)
02/09/2004		OBJECTIONS TO USMJ [placed in white env on left side of file] (REW) (Entered: 02/09/2004)
02/12/2004	10	ORDER by Judge Donald W. Molloy Case reassigned to Judge Donald W. Molloy for trial and entry o jgmt and for final determination of pretrl matters excepted frm Magistr jurisdiction by 28:636(b)(1)(A); Case referred to Judge Carolyn S. Ostby to conduct all pretrl procdgs. Rqsts to contin or vacate dates set by Sched. Ord entered by Mag Ostby following the Prelim Pretrl confnc must be made to and approved by Judge Molloy. Purs to 28:636(b)(a)(B), case is referred to Judge Ostby, to conduct all nec hrgs and submit prop findings of fact and recommendatns to dispose of all motns excepted from Mag jurisdiction 28:636(b)(1)(A). Clk to notify pties and Judge Ostby of this order and transfer case file to GF Divsn. (cc: Meloy/Hendricks; Kahn/Shapiro) (BAF) (Entered: 02/12/2004)

02/12/2004		REMARK – #10 mailed to GF for insertion in file (BAF) (Entered: 02/12/2004)
02/12/2004		CASE REFERRED to Magistrate Judge Carolyn S. Ostby. (LJM, ) (Entered: 04/19/2006)
02/12/2004		CASE REFERRED to Magistrate Judge Carolyn S. Ostby. (GAR, ) (Entered: 05/11/2006)
02/17/2004		FILE DELIVERED to CSO Chambers for Set PPT Conf (REW) (Entered: 02/17/2004)
02/24/2004	11	PRELIMINARY Pre-trial Conference Order by Judge Carolyn S. Ostby; Telephonic Preliminary Pretrial Conf set for 11:00 3/18/04 PPT Statement due: 3/12/04 Joint Discovery plan due: 3/12/04 (cc: all counsel) (REW) (Entered: 02/26/2004)
02/26/2004	12	MOTION by plaintiff Stephen Hendricks to file amended complaint (GAR) (Entered: 02/26/2004)
02/26/2004		PROPOSED Order and Amended Complaint submitted by plaintiff Stephen Hendricks (GAR) (Entered: 02/26/2004)
02/26/2004		REMARK Orig motion #12, Proposed Order and Proposed Amended Complaint sent to Clerk, Great Falls with red motion file. (GAR) (Entered: 02/26/2004)
03/02/2004	13	MOTION by plaintiff Stephen Hendricks for partial summary judgment (Requiring Responses to FOIA Requests) (GAR) (Entered: 03/02/2004)
03/02/2004	14	STATEMENT of uncontroverted facts by plaintiff Stephen Hendricks in support of [13-1] (GAR) (Entered: 03/02/2004)
03/02/2004	15	AFFIDAVIT of Stephen Hendricks re [13-1] w/ Exhibits attached. (GAR) (Entered: 03/02/2004)
03/02/2004		REMARK Orig 13,14, and 15 to Clerk, Great Falls w/ red motion folder re Pltf's Motion for Partial Sumjgmt. (GAR) (Entered: 03/02/2004)
03/02/2004	16	ORDER by Judge Carolyn S. Ostby granting motion to file amended complaint [12-1] (cc: all counsel) (LJM) (Entered: 03/02/2004)
03/02/2004	17	AMENDED COMPLAINT [1-1] by plaintiff Stephen Hendricks terminating defendant US Comm on Civ Right, defendant U. S. Attorney, defendant Indian Health Servic, defendant BIA, defendant FBI; adding DOJ, DOI, HHS (LJM) (Entered: 03/02/2004)
03/04/2004	18	MOTION by plaintiff Stephen Hendricks to reschedule preliminary pretrial conference (faxed to Judge Ostby) (GAR) (Entered: 03/04/2004)
03/04/2004		REMARK Motion #18 and Proposed Order to Clerk, Great Falls. (GAR) (Entered: 03/04/2004)
03/08/2004	19	ORDER by Judge Carolyn S. Ostby granting motion to reschedule preliminary pretrial conference [18-1] PPTC set for 3/18/04 VACATED and Preliminary Pretrial Conference reset for 11:00 3/16/04 all counsel) (LJM) (Entered: 03/08/2004)
03/10/2004	20	Report of Parties' Planning Meeting. (cpy to Judge Ostby) (BAF) (Entered: 03/10/2004)
03/10/2004		REMARK #20 to GF for file (BAF) (Entered: 03/10/2004)
03/12/2004	21	PRELIMINARY PRETRIAL STATEMENT by defendants (Orig and copy to Clerk, Great Falls) (GAR) (Entered: 03/12/2004)
03/12/2004	22	PRELIMINARY PRETRIAL STATEMENT facts by plaintiff Stephen Hendricks, Orig and copy to Clerk, Great Falls (GAR) (Entered: 03/12/2004)
03/16/2004	23	ORDER by Judge Carolyn S. Ostby status conf held 3/16/04 By April 16, 2004 Deft to file Mtn SJ and Status Report; Pltf's shall file a mtn to w/draw his Mtn SJ by March 19, 2004. Deft's are granted leave to file an amended answer by 3/19/04 (cc: all counsel) (REW) (Entered: 03/16/2004)

03/17/2004	24	MOTION by plaintiff Stephen Hendricks to withdraw motion for partial summary judgment (requiring responses to FOIA Request) Orig motion and red motion file to Clerk, Great Falls (GAR) (Entered: 03/17/2004)
03/19/2004	25	AMENDED ANSWER [8-1] by defendants (Orig &copy to Clerk, Great Falls) (GAR) (Entered: 03/19/2004)
04/13/2004	26	MOTION by respondents to extend time to file motion for partial summary jdgmt and to file motion for partial stay of proceedings (GAR) (Entered: 04/13/2004)
04/13/2004	27	MOTION by respondents to exceed page limitation of Brief in support of motion for partial summary jdgmt (GAR) (Entered: 04/13/2004)
04/13/2004		REMARK Red Motion Files re #s 26, 27 and proposed orders to Clerk, Great Falls, with orig motions. (GAR) (Entered: 04/13/2004)
04/15/2004	28	ORDER by Judge Carolyn S. Ostby granting motion to extend time to file motion for partial summary jdgmt and to file motion for partial stay of proceedings [26-1], motions shall be due on 4/30/04. (cc: all counsel) (LJM) (Entered: 04/16/2004)
04/15/2004	29	ORDER by Judge Carolyn S. Ostby granting motion to exceed page limitation of Brief in support of motion for partial summary jdgmt [27-1] (cc: all counsel) (LJM) (Entered: 04/16/2004)
04/30/2004	30	MOTION by respondent DOJ, respondent DOI, respondent HHS for a partial stay (GAR) (Entered: 04/30/2004)
04/30/2004	31	MEMORANDUM of law by respondent DOJ, respondent DOI, respondent HHS in support of motion for a partial stay [30-1] (GAR) (Entered: 04/30/2004)
04/30/2004	32	MOTION by respondent DOJ, respondent DOI, respondent HHS for partial summary judgment (GAR) (Entered: 04/30/2004)
04/30/2004	33	MEMORANDUM by respondent DOJ, respondent DOI, respondent HHS in support of motion for partial summary judgment [32-1] (GAR) (Entered: 04/30/2004)
04/30/2004	34	STATEMENT of uncontroverted facts by respondent DOJ, respondent DOI, respondent HHS in support of [32-1] (GAR) (Entered: 04/30/2004)
04/30/2004	35	EXHIBITS by respondent DOJ, respondent DOI, respondent HHS to Motion for Partial Summary Judgment (GAR) (Entered: 04/30/2004)
04/30/2004		REMARK Origs of 30 - 35 to Clerk, Great Falls, with Red Motion Files for Motions 30 and 32. #35 is bound document of exhibits. (GAR) (Entered: 04/30/2004)
05/03/2004		REMARK doc #35 in brown expando on shelf w/ file. (LJM) (Entered: 05/03/2004)
05/19/2004	36	Plaintiff's renewed First STATEMENT of uncontroverted facts by Stephen Hendricks (orig to Clk Gf w/cpy for Jg Ostby) (BAF) Modified on 05/20/2004 (Entered: 05/20/2004)
05/19/2004	37	Renewed first MOTION by Stephen Hendricks for partial summary judgment (Orig to Clk GF for file w/red file for Jg Ostby) (BAF) (Entered: 05/20/2004)
05/19/2004	38	RESPONSE by Stephen Hendricks to deft FBI's motion for a partial stay [30-1] (Orig to clk GF w/cpy for Jg Ostby) (BAF) (Entered: 05/20/2004)
05/19/2004	39	MOTION by Stephen Hendricks to extend time and for lv to file over-length brief (orig to GF for file w/red file to Jg Ostby) (BAF) (Entered: 05/20/2004)
05/21/2004	40	ORDER by Judge Carolyn S. Ostby granting pltf's motion to extend time until 6/8/04 for lv to file over-length brief [39-1] in opposition to Defts' Mtn SJ (cc: all counsel) (REW) Modified on 05/24/2004 (Entered: 05/21/2004)
05/27/2004	41	MOTION by respondents to extend time to file reply in support of Dft's Motion for Partial Stay of Proceedings (Motion and proposed order faxed to Judge Ostby, Orig and proposed order to Clerk, Great Falls, for file) (GAR) (Entered: 05/27/2004)



06/02/2004	42	ORDER by Judge Carolyn S. Ostby granting motion to extend time to file reply in support of Dft's Motion for Partial Stay of Proceedings [41-1], regarding [32-1] Rply due 6/4/04.(cc: all counsel) (LJM) (Entered: 06/02/2004)
06/04/2004	43	REPLY by respondent to response to motion for partial summary judgment [32-1] (orig and copy to Clerk, Great Falls) (GAR) (Entered: 06/04/2004)
06/07/2004	44	MOTION by Stephen Hendricks to extend time &for lv to file over-length brief (respns to dft motn for summ. jgmt) (red file to CSO, faxed to CSO) Orig to GF clk (BAF) Modified on 06/08/2004 (Entered: 06/08/2004)
06/07/2004	45	NOTICE by FBI or erratum in Dft rply brf in Suppt of Dft Motion for Partial Stay of Procdgs. (Orig to clk GF - cpy to Judge Ostby) (BAF) (Entered: 06/08/2004)
06/09/2004	46	MINUTES: that the deft's motion for a partial stay [30-1] is submitted before Judge Carolyn S. Ostby (REW) (Entered: 06/09/2004)
06/09/2004	47	ORDER by Judge Carolyn S. Ostby granting Pltf's motion to extend time &for lv to file over-length brief (respns to dft motn for summ. jgmt) [44-1], regarding [32-1] (cc: all counsel) (REW) (Entered: 06/09/2004)
06/10/2004	48	RESPONSE (opposition) by respondent to motion for partial summary judgment [37-1] (Orig to Clk GF, copy for Judge Ostby) (BAF) (Entered: 06/10/2004)
06/10/2004	49	STATEMENT of genuine issues by respondent (Orig to GF clk, cpy to Judge CSO) (BAF) (Entered: 06/10/2004)
06/22/2004	50	REPLY by plaintiff Stephen Hendricks to response to motion for partial summary judgment [37-1] Orig and copy to Clerk, Great Falls (GAR) (Entered: 06/22/2004)
06/23/2004	51	MINUTES: that the Deft's motion for partial summary judgment [37-1] is submitted, that the Pltf's Motion for Summary Judgment [32-1] is submitted, that the motion for a partial stay [30-1] is submitted before Judge Carolyn S. Ostby (REW) (Entered: 06/23/2004)
06/30/2004	52	ORDER by Judge Carolyn S. Ostby granting in part and denying motion for a partial stay [30-1] as set forth w/i. With respect to all 3 of subj requests, this matter is stayed until 10/30/04. Deft FBI is directed to process Pltf's req / due diligence, to resp to requests by 10/30/04 and report to Court by 10/30/04 w/ respect to compliance w/ Order.Pltf Renewed motion for partial summary judgment [37-1] is denied w/ leave to renew as set forth w/i. (cc: all counsel) (LJM) (Entered: 06/30/2004)
07/12/2004	53	CROSS-MOTION by plaintiff Stephen Hendricks for partial summary judgment (REW) Modified on 07/15/2004 (Entered: 07/15/2004)
07/12/2004	54	MEMORANDUM/BRIEF by plaintiff Stephen Hendricks in support of motion for partial summary judgment [53-1] and Motion for In Camera Production (REW) (Entered: 07/15/2004)
07/12/2004	54	RESPONSE by plaintiff Stephen Hendricks to Deft DOJ's motion for partial summary judgment [32-1] (REW) (Entered: 07/15/2004)
07/12/2004	55	SECOND STATEMENT of Genuine Issues and Uncontroverted Facts by plaintiff Stephen Hendricks in support of Their Mtn for Pat SJ [53-1] (REW) (Entered: 07/15/2004)
07/12/2004	56	SECOND AFFIDAVIT of Stephen Hendricks re [53-1] (REW) (Entered: 07/15/2004)
07/14/2004	57	NUNC PRO TUNC ORDER by Judge Carolyn S. Ostby That the FBI's Mtn for Part Stay of Proceedings 30 is GRANTED IN PART and DENIED IN PART AS SET FORTH. With respect to all three of the subject requests DeSersa, Aguash, and Bissonette this matter is stayed until Oct 30, 04. Pltf's Renewed First Mtn for Part SJ 37 should be DENIED, and leave to renew should be granted. C/C shall serve cpy of this Order which NOW incl F/R of the USMJ upon parties who have 10 after rcpt to obj. All other provision of the Court's Order filed June 30 shall remain unchanged. Cps of Order Faxed and mailed to all cnsl ) (REW) Modified on 07/15/2004 (Entered: 07/15/2004)

07/15/2004	58	NOTICE by plaintiff of error in recently filed Plf Brf on Pending Motns. (Orig to clk GF, w/cpy to Judge Ostby) (BAF) (Entered: 07/15/2004)
07/27/2004	59	MOTION (Unopposed) by respondents to extend time to file omnibus brief in support of Dfts' motion for Summary Judgment and in opposition to Pltf's Motion for Partial Summary Jdgmt (orig and copy to Clerk, Gr. Falls) (GAR) (Entered: 07/27/2004)
07/27/2004	60	MINUTES: before Judge Donald W. Molloy That Judge Ostby F/R Dct #52 and #57 on FBI's Mtn for Partial Stay of Proceedings 30 and Pltf's Renewed First Mtn for Part SJ 37 submitted to Judge Donald W. Molloy (REW) (Entered: 07/27/2004)
07/29/2004	61	ORDER by Judge Carolyn S. Ostby granting motion to extend time to file omnibus brief in support of Dfts' motion for Summary Judgment and in opposition to Pltf's Motion for Partial Summary Jdgmt [59-1], regarding [53-1], regarding [32-1]. Omnibus Brf shall be due 8/4/04 (cc: all counsel) (LJM) (Entered: 07/29/2004)
08/04/2004	62	MOTION (Unopposed) by Defendants to exceed page limitation if Brief in Support of Dfts Omnibus Motion for Partial Summary Judgment & In Opposition to Pltf's Cross-Motion for Partial Summary Judgment (GAR) (Entered: 08/04/2004)
08/04/2004		RECEIVED Dfts' proposed Omnibus Memeorandum of Law re Motion #62. (GAR) (Entered: 08/04/2004)
08/04/2004		REMARK Mailed to Clerk, Grear Falls: Orig Mot #62, proposed brief and copy and red motion file w/ proposed order (GAR) (Entered: 08/04/2004)
08/05/2004	63	MOTION by plaintiff Stephen Hendricks to extend time to file reply brief (unopposed) (GAR) (Entered: 08/05/2004)
08/05/2004		REMARK Red Motion file and proposed order and Orig Motion to Clerk, Great Falls (GAR) (Entered: 08/05/2004)
08/05/2004	64	NOTICE by Dfts of Erratum in Dfts' Omnibus Memo of Law in Support of Dfts' Motion for Partial Summary Jdgmt and In Opposition to Pltf's Cross-Motion for Partial Summary Jdgmt. (Orig & Copy to Clerk, Great Falls) (GAR) (Entered: 08/05/2004)
08/17/2004	65	ORDER by Judge Carolyn S. Ostby granting motion to extend time until Aug 20 to file reply brief on Pltf's Mtn for SJ [63-1], regarding [53-1] (cc: all counsel) (REW) (Entered: 08/20/2004)
08/17/2004	66	ORDER by Judge Carolyn S. Ostby granting motion to exceed page limitation if Brief in Support of Dfts Omnibus Motion for Partial Summary Judgment & In Opposition to Pltf's Cross-Motion for Partial Summary Judgment [62-1], regarding [53-1], regarding [32-1] (cc: all counsel) (REW) (Entered: 08/20/2004)
08/17/2004	67	Omnibus Memorandum of Law [REPLY] by respondent DOJ, respondent DOI, respondent HHS to response to motion for partial summary judgment [53-1], motion for partial summary judgment [32-1] file delivered to: CSO (REW) (Entered: 08/20/2004)
08/20/2004		REMARK -Per CSO Chamber, Mtns to be submitted 09/07/04 (REW) (Entered: 08/20/2004)
08/20/2004	68	MOTION by plaintiff Stephen Hendricks to extend time until 9/8/04 to file reply brief in support of cross-motion for summary jdgmt , and to exceed page limitation for response brief to exceed 10 pages (Dfns cnsl has no objection) (GAR) (Entered: 08/20/2004)
08/20/2004		REMARK Orig Motion #68 and red motion file w/ proposed order to Clerk, Great Falls. (GAR) (Entered: 08/20/2004)
08/24/2004	69	ORDER by Judge Carolyn S. Ostby granting motion to extend time until 9/8/04 to file reply brief in support of cross-motion for summary jdgmt [68-1], granting motion to exceed page limitation for response brief to exceed 10 pages [68-2], regarding [53-1] (cc: all counsel) (LJM) (Entered: 08/25/2004)



09/08/2004	70	REPLY by plaintiff Stephen Hendricks to response to motion for partial summary judgment [53-1] (Orig and Copy to Clerk, Great Falls) (GAR) (Entered: 09/08/2004)
09/08/2004	71	Third AFFIDAVIT of Stephen Hendricks re [70-1] (Orig and Copy to Clerk, Great Falls) (GAR) (Entered: 09/08/2004)
09/09/2004	72	MINUTES: that the Pltf's motion for partial summary judgment [53-1] is submitted, that the Deft's motion for partial summary judgment [32-1] is submitted before Judge Carolyn S. Ostby (REW) (Entered: 09/09/2004)
11/01/2004	73	MOTION by respondents to extend time not to exceed 2/28/05 to comply with 6/30/04 order to respond to FOIA requests (GAR) (Entered: 11/03/2004)
11/01/2004	74	MEMORANDUM by respondents in support of motion to extend time not to exceed 2/28/05 to comply with 6/30/04 order to respond to FOIA requests [73-1] (GAR) (Entered: 11/03/2004)
11/03/2004		REMARK red motion file to Clerk, Great Falls, with Origs 73 and 74 (Motion for Ext of Time) (GAR) (Entered: 11/03/2004)
11/10/2004	75	RESPONSE by plaintiff Stephen Hendricks to motion to extend time not to exceed 2/28/05 to comply with 6/30/04 order to respond to FOIA requests [73-1] (GAR) (Entered: 11/10/2004)
11/10/2004	76	AFFIDAVIT of Plaintiff Stephen Hendricks (GAR) (Entered: 11/10/2004)
11/10/2004		REMARK Doc #s 75 and 76 with copies to Clerk, Great Falls, for file and Judge Ostby (GAR) (Entered: 11/10/2004)
11/24/2004	77	REPLY by respondent to response to motion to extend time not to exceed 2/28/05 to comply with 6/30/04 order to respond to FOIA requests [73-1] (Orig and copy to Clerk, Great Falls, for file and Judge Ostby) (GAR) (Entered: 11/24/2004)
11/30/2004	78	MINUTES: that the motion to extend time not to exceed 2/28/05 to comply with 6/30/04 order to respond to FOIA requests [73-1] is submitted before Judge Carolyn S. Ostby (REW) (Entered: 11/30/2004)
12/15/2004	79	ORDER by Judge Carolyn S. Ostby granting Deft US Dept of Justice's motion to extend time until Dec 15, 2004 not to exceed 2/28/05 to comply with 6/30/04 order to respond to FOIA requests [73-1]; Hendricks' various requests for relief stemming from the instant motion are DENIED (cc: all counsel) (REW) (Entered: 12/15/2004)
12/22/2004		MOTION FILES DELIVERED to C/C Missoula (per L/C James) (MJG) (Entered: 12/22/2004)
12/22/2004	80	FINDINGS AND RECOMMENDATION by Judge Carolyn S. Ostby concerning Defendants' motion for partial summary judgment [32-1]; That the Defts' Motion for SJ be GRANTED in part and DENIED in part as set forth in the Court's F/R,, Pltf's Cross-motion for partial summary judgment [53-1]; That the Pltf's Cross-Motion for Part SJ be GRANTED in Part and DENIED in part as set forth in the Court's F/R Objections to F/R due date: 1/5/05 (cc: all counsel) (REW) (Entered: 12/22/2004)
12/22/2004		REMARK-Judge Ostby's F/R submitted to Judge Molloy on 12/22/04 with Mtns notebook, Cpy of Judge Ostby's F/R and updated cpy of DS (REW) (Entered: 12/22/2004)
01/06/2005	81	MOTION by Stephen Hendricks to extend time to file objections to findings and recommendations of US Magistrate Judge. ( Orig to GF for file w/red file to Judge Ostby) (BAF) Modified on 01/06/2005 (Entered: 01/06/2005)
01/07/2005		REMARK -mailed Red Mtns file on Mtn to Ext time to file Obj to F/R and Orig Dct #81 w/prop order to Judge Molloy in Msla (REW) (Entered: 01/07/2005)
01/11/2005	82	ORDER by Judge Donald W. Molloy granting motion to extend time until Jan 24, 05 to file objections to findings and recommendations of US Magistrate Judge. [81-1], regarding [80-1] (cc: all counsel) (REW) (Entered: 01/14/2005)

01/24/2005	83	Dft's Request for Clarification and/or OBJECTIONS to Findings and Recommendation [80-1] copy delivered to Judge Molloy 1/24/05 by fax (Orig and copy to Clerk, Missoula, for file and Judge Molloy) (GAR) Modified on 01/24/2005 (Entered: 01/24/2005)
01/24/2005	84	OBJECTIONS by Stephen Hendricks to findings and recommendations of U S Magistrate Judge[80-1] (Orig to Clk Mssla for file, cpy to DWM) (BAF) Modified on 01/25/2005 (Entered: 01/25/2005)
01/24/2005	85	Fifth AFFIDAVIT of Steven Hendricks (original to clk Mssla for file, copy to DWM) (BAF) Modified on 01/25/2005 (Entered: 01/25/2005)
02/07/2005	86	RESPONSE by Stephen Hendricks to Defts' Request for Clarification and/or objections to the findings and recs of the US Magistrate Judge. (Orig to Gf for file and cpy to DWM) (BAF) (Entered: 02/07/2005)
02/10/2005	87	RESPONSE by respondents to objections to Findings and Recommendation [80-1] (Orig to Clerk, Gr. Falls for file, copy to Judge Molloy) (GAR) (Entered: 02/10/2005)
03/28/2005	88	ORDER by Judge Donald W. Molloy adopting Findings and Recs [80-1], granting in part and denying in part Dfts' motion for partial summary judgment [32-1], and granting in part and denying in part Pltf's Cross-Motion for Partial Summary Judgment [53-1]. Dfts' motion for sum jdgmt is granted with regard to adequacy of IHS's Aquash, Bissonette and DeSera Searches, the adequacy of all BIA searches and adequacy of EOUSA's DeSera search. Dfts' motion for summary judgment is denied with regard to adequacy of EOUSA's and FBI's Eagle Deer searches. The question of adequacy of EOUSA's Squash and Bissonette searches, along the related question of Hendrick's fee waiver request is recommitted to Judge Ostby. Case referred to Judge Carolyn S. Ostby Dfts' motion for summary judgment is granted with regard to adequacy of IHS's response to Bissonette and Aquash requests is granted. Hendricks motion for summary judgment on release of items 5 and 6 on IHS Vaughn index is denied. Dfts' motion for summary jdgmt is granted with regard to adequacy of BIA's response to Eagle Deer and Aquash requests; Hendricks motion for summary jdgmt on release of items 4,5,38 and 39 of BIA Vaughn index and all BIA document response to Eagle Deer/Janklow request is denied. Dft's motion for summary jdgmt on adequacy of EOUSA's responses is granted with regard to all items in EOUSA Vaughn index except items 2 and 7; summary jdgmt is granted in Hendricks' favor with regard to documents 2 and 7 of EOUSA's Vaughn index. Dft's motion for sum jdgmt is granted with regard to FBI's responses to Eagle Deer request. Dfts' motion for sum jdgmt is granted with regard to USMS's responses. cc: Judge Ostby, Hendricks, Shapiro (GAR) Modified on 03/29/2005 (Entered: 03/29/2005)
03/29/2005		REMARK Order #88 to Clerk, Great Falls w/ copy to Judge Ostby (GAR) (Entered: 03/29/2005)
04/06/2005	89	ORDER by Judge Carolyn S. Ostby; cnsl shall participate w/crt in a telephonic status conf set for Wednesday 4/13/05 at 1:30 pm (cc: all counsel) (LAV) (Entered: 04/06/2005)
04/15/2005	90	ORDER by Judge Carolyn S. Ostby Telephonic status Conf set for 9:00 5/25/05 ; By April 20, 05, the EOUSA and the FBI will file an explanation describing the amt of time necessary for ea agency to complete searches for materials responsive to Hendricks' requests for info w/respect to Jancita Eagle Deer, the reasons for the amt of time believed necessary. On April 25, 05, Hendricks may file a response. On or before April 20, 05, the EOUSA will file an explanation describing the amt of time necessary for it to complete its search for materials responsive to Hendricks' requests for info w/respect to Anna Mae Aquash & Pedro Bissonette, & the reasons for the amt of time believed necessary. On or before April 25, 05, Hendricks may file a response. On or before May 20, 05, the parties shall file a jt status report advising the Court of the progress of their negotiations w/respect to the FBI's processing of Hendricks' requests for info concerning Aquash, Bissonette and Byron DeSersa. (cc: all counsel) (REW) (Entered: 04/15/2005)
04/20/2005	91	NOTICE by DOJ Concerning Searches by FBI and Executive Office of US Attys pursuant to order of 4/15/05 (Doc #90) (Orig and copy to Clerk, Great Falls)

		(GAR) (Entered: 04/20/2005)
04/21/2005	92	Orig DECLARATION by Dfts of Bengford for Report by Dft Concerning Searches Conducted by FBI and EOUSA dated 4/19/05 (Orig and copy to Clerk, Gr. Falls) (GAR) (Entered: 04/21/2005)
04/25/2005	93	RESPONSE by plaintiff Stephen Hendricks to [91-1] Report concerning Searches by FBI & EOUSA (faxed to CSO, Orig and copy to Clerk, Great Falls) (GAR) (Entered: 04/26/2005)
05/20/2005	94	JOINT STATUS REPORT filed by plaintiff In Anticipation of Telephonic Status Conf of 5/25/05 (faxed to CSO, Orig & copy mailed to Clerk, Great Falls) (GAR) (Entered: 05/20/2005)
05/25/2005	95	ORDER by Judge Carolyn S. Ostby Status hearing held 5/25/05 ; EOUSA will provide rolling responses to Hendricks' on Hendricks' request w/respect to Anna Mae Aquash and Pedro Bissonette on the first days of June, July and August 2005 and shall complete all of its responses to said requests on or before Aug 12, 05. By June 30, 05 the FBI and EOUSA shall provide to Hendricks their written responses w/respect to Hendricks' Jancita Eagle Deer requests. By Aug 19, 05, parties shall file a joint status report w/respect to all requests that remain at issue in this case. Cnsl shall participate w/crt a telephonic status conf on Aug 25, 05 at 11:00 a.m. w/defts cnsl initiating the conf call (cc: all counsel) (REW) (Entered: 06/01/2005)
07/25/2005	96	NOTICE by plaintiff Stephen Hendricks of Change of Address of Counsel Jennifer S. Hendricks (Orig to Clerk, Great Falls, copies to Judge Ostby and Atty Maint Clk-TO) (GAR) (Entered: 07/25/2005)
08/18/2005	97	ORDER by Judge Carolyn S. Ostby TELEPHONE status hearing set for 11:00 8/25/05; Cnsl for defts to initiate conf call at 247-4496 (cc: all counsel) (REW) (Entered: 08/19/2005)
08/19/2005	98	STATUS REPORT by defendants in anticipation of telephonic status conf to held 8/25/05 (Orig & copy to Clerk, Great Falls) (GAR) (Entered: 08/19/2005)
08/23/2005	99	JOINT STIPULATION of Pltf and Dft Dept. of Justice re remaining issues of litigation. (Orig and copy to Clerk, Great Falls) (GAR) (Entered: 08/23/2005)
08/24/2005		REMARK-cps of dcts #98 and #99 to CSO Chambers for review, file in chambers (REW) (Entered: 08/24/2005)
08/25/2005	100	ORDER by Judge Carolyn S. Ostby-By Sept 30, 05, EOUSA will produce to Hendricks a prel narrative VAUGHN index that describes the dcts responsive to Hendricks' Aquash and Bissonette requests that were w/held in full. On or before Oct 7, 05, the FBI will produce to Hendricks a prel narrative VAUGHN index that describes the remaining dcts responsive to Hendricks' Aquash request that were w/held in full. On Oct 11, 05, the parties will confer by teleconf regarding this prel narrative VAUGHN index. On or before Nov 30, 05 parties will file any addtl jt stip to reduce the volume of dcts and or number of issues that remain in this case. On or befor Nov 30, parties will file a jt status report to inform the court of the results of their negotiations and to prop brfg sched for final set of dispositive mtns in this case (cc: all counsel) (REW) (Entered: 09/19/2005)
11/29/2005	<u>101</u>	Joint MOTION for Extension of Time to File Joint Stipulations and Joint Status Reports (BAF, ) (Entered: 11/29/2005)
11/30/2005	<u>102</u>	ORDER granting <u>101</u> Motion for Extension of Time to File joint status report. Parties have until 12/7/05 to file said report.. Signed by Judge Carolyn S. Ostby on 11/30/2005. (GAR, ) (Entered: 11/30/2005)
12/07/2005	<u>103</u>	JOINT STATUS REPORT filed by Defendants re settlement negotiations. (GAR, ) Modified on 12/12/2005 to correct file date(GAR, ). (Entered: 12/09/2005)
12/07/2005	<u>104</u>	SECOND JOINT STIPULATION filed by Defendants to further limit remaining issues in this litigation. (GAR, ) Additional attachment(s) added on 12/9/2005 (GAR, ). (Entered: 12/09/2005)

12/07/2005	<u>105</u>	THIRD JOINT STIPULATION by Defendants to further limit remaining issues in this litigation. (Attachments: # <u>1</u> # <u>2</u> )(GAR, ) (Entered: 12/09/2005)
12/07/2005	<u>106</u>	FOURTH JOINT STIPULATION filed by Defendants to further limit remaining issues in this litigation (GAR, ) (Entered: 12/09/2005)
12/16/2005		Defendants' Motion for summary judgment due by 3/8/2006. Plaintiff may file expert disclosure report on or before February 14, 2006. Defendant may file, on or before March 3, 2006, an opposition to Plaintiff's expert disclosure report. Signed by Judge Carolyn S. Ostby on 12/16/2005. (JEC) (Entered: 12/16/2005)
12/16/2005	<u>107</u>	ORDER setting deadlines re <u>103</u> Status Report filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES,, DEPARTMENT OF JUSTICE,, Department of Interior, . Signed by Judge Carolyn S. Ostby on 12/16/2005. (JEC) (Entered: 12/16/2005)
01/05/2006	<u>108</u>	NOTICE by DEPARTMENT OF JUSTICE, Department of Interior, DEPARTMENT OF HEALTH AND HUMAN SERVICES of New Information Concerning Court's Order of 3/28/05 re 88 Order Motn to CSO in GF) (BAF, ) Modified on 1/5/2006 to reflect where motn went(BAF, ). (Entered: 01/05/2006)
02/14/2006	<u>109</u>	NOTICE by Stephen Hendricks Of Filing Plaintiff's 26(a)(2) Disclosure (Attachments: # <u>1</u> # <u>2</u> )(GAR, ) (Entered: 02/14/2006)
03/03/2006	<u>110</u>	MOTION for Extension of Time to File Motion For Summary Judgment by Defendants (Attachments: # <u>1</u> Text of Proposed Order)(GAR, ) (Entered: 03/03/2006)
03/03/2006	<u>111</u>	Objection re: <u>109</u> Plaintiff's 26(a)(2) Disclosure filed by Defendants. (Attachments: # <u>1</u> Pages 21 – 36)(GAR, ) (Entered: 03/03/2006)
03/15/2006		Set Deadlines/Hearings: Deft Motion for summary jgmt due by 3/17/2006. (BAF, ) (Entered: 03/16/2006)
03/16/2006	<u>112</u>	ORDER granting <u>110</u> Motion for Extension of Time to File Motn for summ. jgmt until 3/17/06. Signed by Judge Donald W. Molloy on 3/16/2006. (BAF, ) (Entered: 03/16/2006)
03/16/2006	<u>113</u>	Addendum to 2nd and 3rd Joint Stipulations by DEPARTMENT OF JUSTICE, Department of Interior, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> )(BAF, ) (Entered: 03/17/2006)
03/17/2006	<u>114</u>	MOTION for Summary Judgment by Defendants Responses due by 4/6/2006. (GAR, ) Modified on 12/13/2006 to untermiated motion(ded, ). (Entered: 03/17/2006)
03/17/2006	<u>115</u>	UNOPPOSED MOTION for Leave to File Brief in Excess Of Twenty Pages In Support of Defendants' Motion for Summary Judgment filed by Defendants. Proposed Order lodged. (GAR, ) (Entered: 03/17/2006)
03/17/2006	<u>116</u>	Statement of Undisputed Fact re: <u>114</u> MOTION for Summary Judgment pages 1–20. (Attachments: # <u>1</u> (pages 21–30 removed and replaced with Attachment of pages 21–27)(GAR, ) Additional attachment(s) added on 3/17/2006 (GAR, ). Modified on 3/17/2006 (GAR, ). Note: last 3 pages of Attachment 1 referred to Exhibits 1–3 which go with Brief in Support of Summary Judgment. (Entered: 03/17/2006)
03/17/2006		Remark: Bound copies have been provided by Counsel for Court's use and have been forwarded to Judge Ostby. Defendants' Proposed memo Of Law In Support of motion for Summary Judgment and Exhibits (copy) and proposed order have been forwarded to Judge Ostby. The Original has been retained in the Clerk's Office, Helena, to be filed when the order is signed. (GAR, ) Modified on 3/17/2006 (GAR, ). (Entered: 03/17/2006)
03/17/2006		Notice of Correction: Document #116, Defendants' Statement of Uncontroverted Facts corrected to remove Exhibits 1–3 which actually refer to Defendants' proposed Brief in Support of Motion for Summary Judgment. Remark entry also corrected. (GAR, ) (Entered: 03/17/2006)



03/21/2006	<u>117</u>	NOTICE OF ERRATUM IN DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, #113]Addendum referred to as #112 in Memo of Law. (GAR, ) Modified on 3/23/2006 to correct typo(GAR, ). (Entered: 03/21/2006)
03/23/2006	<u>118</u>	ORDER granting <u>115</u> Defendants'Unopposed Motion for Leave to File Excess Pages . Signed by Judge Carolyn S. Ostby on 3/23/2006. (GAR, ) (Entered: 03/23/2006)
03/24/2006	<u>120</u>	Memorandum in Support re <u>114</u> MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE, Department of Interior, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Pages 21–41 # <u>2</u> Pages 42–58 # <u>3</u> Exhibit 1–3G # <u>4</u> Exhibit 3H–3S)(GAR, ) (Entered: 03/28/2006)
03/28/2006		Administrative Correction: re 119 Memorandum in Support. #119 sealed, docketed incorrectly. Refer to doc. #120. (GAR, ) (Entered: 03/28/2006)
04/04/2006	<u>121</u>	MOTION for Extension of Time until May 2, 2006 to File Response brief to Defts' <u>114</u> MOTION for Summary Judgment, and Pltf's MOTION for Leave to File Over–Length Brief by Stephen Hendricks.–Proposed Order submitted to CSO Chambers (rew, ) (Entered: 04/04/2006)
04/04/2006	<u>122</u>	ORDER granting <u>121</u> Motion for Extension of Time to File Response re <u>121</u> Motion for summary jgmt. Responses due by 5/2/2006. Plf rspns brf may exceed 20 pages but not exceed 50 pages, including exhibits.. Signed by Judge Donald W. Molloy on 4/4/2006. (BAF, ) (Entered: 04/05/2006)
04/17/2006	<u>123</u>	NOTICE of Appearance by Peter T Wechsler on behalf of DEPARTMENT OF JUSTICE, Department of Interior, DEPARTMENT OF HEALTH AND HUMAN SERVICES (BAF, ) (Entered: 04/17/2006)
04/27/2006	<u>124</u>	MOTION for Extension of Time to File Response/Reply to Deft Motion for Summary Judgment <u>114</u> by Stephen Hendricks. (BAF, ) (Entered: 04/27/2006)
04/27/2006	<u>125</u>	ORDER granting <u>124</u> Motion for Extension of Time to File Response re <u>124</u> MOTION for Extension of Time to File Response Responses due by 5/16/2006.. Signed by Judge Carolyn S. Ostby on 4/27/2006. (BAF, ) (Entered: 04/27/2006)
04/27/2006		Set/Reset Deadlines: Responses to Motion for Summ. Jgmt #114 due by 5/16/2006. (BAF, ) (Entered: 05/03/2006)
05/16/2006	<u>126</u>	RESPONSE to Motion re <u>114</u> MOTION for Summary Judgment filed by Stephen Hendricks. (Attachments: # <u>1</u> Pages 21–31)(GAR, ) (Entered: 05/17/2006)
05/16/2006	<u>127</u>	Statement of Genuine Issues re: <u>126</u> Response to Motion. filed by Plaintiff (GAR, ) (Entered: 05/17/2006)
05/16/2006	<u>128</u>	SIXTH AFFIDAVIT by Stephen Hendricks. (Attachments: # <u>1</u> Pages 21–38# <u>2</u> Exhibit 47–66# <u>3</u> Exhibit 67–80)(GAR, ) (Entered: 05/17/2006)
05/26/2006	<u>129</u>	ASSENTED–TO MOTION for Extension of Time to File a Reply Brief in support of their motion for Summary judgment. by DEPARTMENT OF JUSTICE, Department of Interior, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (GAR, ) (Entered: 05/26/2006)
05/30/2006	<u>130</u>	ORDER granting <u>129</u> Motion for Extension of Time to File Response/Reply re <u>114</u> MOTION for Summary Judgment Replies due by 6/30/2006.. Signed by Judge Carolyn S. Ostby on 5/30/2006. (GAR, ) (Entered: 05/30/2006)
06/30/2006	<u>131</u>	DECLARATION of SSA Mark R. Vukelich filed by defendants. (GAR, ) (Entered: 06/30/2006)
06/30/2006	<u>132</u>	Seventh DECLARATION of David M. Hardy filed by defendants. (Attachments: # <u>1</u> Exhibit 3–T# <u>2</u> Exhibit 3–U# <u>3</u> Exhibit 3–V Pages 1–20# <u>4</u> Exhibit 3–V Pages 21–40)(GAR, ) (Entered: 06/30/2006)
06/30/2006	<u>133</u>	CERTIFICATE OF SERVICE by DEPARTMENT OF JUSTICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES re <u>131</u> Declaration, <u>132</u> Declaration (GAR, ) (Entered: 06/30/2006)



07/17/2006	<u>134</u>	MOTION for Leave to File Sur-Reply Brief re Defendants' Motion for Summary Judgment by Stephen Hendricks. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Leave to File Sur-Reply Brief)(GAR, ) (Entered: 07/17/2006)
07/17/2006	<u>135</u>	ORDER granting <u>134</u> Motion for Leave to File Sur-Reply re Defendants' motion for summary judgment. Plaintiff may file a sur-reply to Defendants' motion for summary judgment on or before 8/1/06 and may be up to 10 pages long.. Signed by Judge Carolyn S. Ostby on 7/17/2006. (GAR, ) (Entered: 07/18/2006)
08/01/2006	<u>136</u>	Sur-REPLY Brief filed by Plaintiff Stephen Hendricks re: <u>114</u> Deft's MOTION for Summary Judgment filed by Stephen Hendricks. (rew, ) (Entered: 08/01/2006)
11/01/2006	<u>137</u>	FINDINGS AND RECOMMENDATIONS re <u>114</u> MOTION for Summary Judgment filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF JUSTICE, Department of Interior, granting in part and denying in part, and recommending that Defendants be ordered to file supplemental Vaughn indexes as indicated, and that the parties be afforded an opportunity to submit arguments in support of their positions with respect to remaining issues. Objections to FRdue by 11/20/2006. Signed by Judge Carolyn S. Ostby on 11/1/2006. (JEC, ) Mailed copies to J. Kahn, E. Shpiro, P. Wechsler, and J. Hendricks. Modified on 11/1/2006 to show who mailed to. (BAF, ). (Entered: 11/01/2006)
11/20/2006	<u>138</u>	MOTION for Extension of Time to File by Federal Bureau of Investigation, Bureau of Indian Affairs, Indian Health Service, United States Attorney, United States Commission on Civil Rights, DEPARTMENT OF JUSTICE, Department of Interior, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(ded, ) (Entered: 11/20/2006)
11/21/2006	<u>139</u>	ORDER granting <u>138</u> Motion for Extension of Time to File objections to Findings and Recs until 11/30/06. Signed by Judge Donald W. Molloy on 11/21/2006. (BAW, ) (Entered: 11/21/2006)
11/30/2006		Remark: Received Plt's 7th Aff of S. Hendricks and attach Exh 81 in Support of Objections to MJ FPursuant to cnsl's cover letter, Objections to be filed 11/30/06 under seperate cover. As of the time of this notation, Clerk's office has not received Objections. Also received missing Exhibits 23-46 from Plt's "red notebook" provided for the Court's convenience. Hln Clerk's office will retain original Aff and Exh 81, and provide a copy to Judge Molloy's chambers with Exh 23-46. (ded, ) (Entered: 11/30/2006)
11/30/2006	<u>140</u>	RESPONSE to re: <u>137</u> FINDINGS AND RECOMMENDATIONS re <u>114</u> MOTION for Summary Judgment filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES,, DEPARTMENT OF JUSTICE,, Department of Interior, filed by DEPARTMENT OF JUSTICE, Department of Interior, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Darragh, George) Modified on 12/1/2006 to indicate signature on document does not match user login. Attys and Chief Deputy notified(ded, ). (Entered: 11/30/2006)
11/30/2006	<u>141</u>	EIGHTH DECLARATION OF DAVID M. HARDY re <u>137</u> FINDINGS AND RECOMMENDATIONS re <u>114</u> MOTION for Summary Judgment filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES, DEPARTMENT OF JUSTICE, Department of Interior, filed by all defendants. (ded, ) Modified on 11/30/2006 to correct title of document (ded, ). (Entered: 11/30/2006)
11/30/2006	<u>142</u>	Plaintiff's Objections to Findings & Recommendations of USMJ re: <u>137</u> FINDINGS AND RECOMMENDATIONS re <u>114</u> MOTION for Summary Judgment filed by DEPARTMENT OF HEALTH AND HUMAN SERVICES,, DEPARTMENT OF JUSTICE,, Department of Interior, filed by Stephen Hendricks. (Attachments: # <u>1</u> Attachment)(ded, ) (Entered: 11/30/2006)
11/30/2006	<u>143</u>	Seventh AFFIDAVIT of Stephen Hendricks re <u>142</u> Objection, by Stephen Hendricks. PLEASE NOTE: referenced Ex 81 is not attached to Affidavit due to size of exhibit. Original exhibit maintained in Clerk's office and copy provided to chambers. (ded, ) (Entered: 11/30/2006)
11/30/2006	<u>144</u>	CERTIFICATE OF SERVICE by Stephen Hendricks re <u>143</u> Affidavit, and, <u>142</u> Plaintiff's Objections to Findings and Recommendations of USMJ. (ded, )

		(Entered: 11/30/2006)
12/01/2006		NOTICE REGARDING ELECTRONIC SIGNATURE/DATE: re <u>140</u> Response,. The signature on this document does not comply with L.R. 11.1 (b) and section I(i) of the ECF Administrative Procedures Manual, or the document is not dated. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. Attys Darragh and Wechsler contacted by telephone and advised Mr. Wechsler cannot use Mr. Darragh's login. Mr. Wechsler will contact L. Kelleher to inquire into becoming granted his own login/password. (ded, ) (Entered: 12/01/2006)
12/12/2006	<u>145</u>	ORDER allowing additional time to file Objections to FRuntil 12/22/2006. Signed by Judge Donald W. Molloy on 12/12/2006. (ded, ) Modified on 12/12/2006 to indicate copies of 12/12/06 Order mailed to attys Hendricks, Kahn, Shapiro, and Wechsler (ded, ). Modified on 12/13/2006 to remove links to docket entries #137 and #114 per p/c with Judge Molloy's law clerk(ded, ). (Entered: 12/12/2006)
12/14/2006	<u>146</u>	MOTION for Extension of Time to File Responses to each others objection to Judge Ostby's F/R; Judge Molloy has filed his Order Granting Ext <u>145</u> prior to the filing of the Mtn [Prop Order attchd] by Stephen Hendricks. (rew, ) (Entered: 12/14/2006)
12/20/2006	<u>147</u>	DECLARATION ( <i>Ninth</i> ) of david hardy filed by DEPARTMENT OF JUSTICE. (Wechsler, Peter) (Entered: 12/20/2006)
12/22/2006	<u>148</u>	Plaintiff's RESPONSE to Defendants' Objection to FRre: <u>140</u> Response, filed by Stephen Hendricks. (ded, ) (Entered: 12/22/2006)
12/26/2006	<u>149</u>	CERTIFICATE of Counsel by Peter T. Wechsler on behalf of all defendants re <u>147</u> (Wechsler, Peter) Modified on 12/27/2006 to show document relationship to document 147. (Entered: 12/26/2006)
12/27/2006		NOTICE REGARDING ELECTRONIC SIGNATURE/DATE: re <u>149</u> Certificate of Counsel. The signature on this document does not comply with L.R. 11.1 (b) and section I(i) of the ECF Administrative Procedures Manual, or the document is not dated. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. Clerk's office also left a voice mail message with Mr. Wechsler informing him of the discrepancy. (ded, ) (Entered: 12/27/2006)
01/09/2007	<u>150</u>	STANDING ORDER DWM NO. 48 regarding case assignment. Signed by Judge Donald W. Molloy on 1/9/2007. (BAF, ) Modified on 1/9/2007 to reflect copies mailed to Shapiro,Kahn and Hendricks.(BAF, ). (Entered: 01/09/2007)
01/09/2007	<u>151</u>	Mailing of Consent to USMJ. Mailed to counsel Jennifer S. Hendricks, Peter T. WechslerConsent/Objection to USMJ Form due by 2/13/2007. (ded, ) Modified on 1/10/2007 to remove judge's name (ded, ). (Entered: 01/09/2007)
01/24/2007	<u>152</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Donald W. Molloy as presiding Judge and Keith Strong as referral judge for all further proceedings. Judge Donald W. Molloy, Keith Strong no longer assigned to case. Signed by Judge Donald W. Molloy on 1/24/2007. (ded, ) Modified on 1/26/2007 to indicate copies of order mailed to Mr. Kahn and Ms. Shapiro (ded, ). (Entered: 01/25/2007)
03/21/2007	<u>153</u>	ORDER granting in part and denying in part <u>114</u> Motion for Summary Judgment . Signed by Judge Donald W. Molloy on 3/21/2007. (SLP) Modified on 3/21/2007 to indicate copy of Order mailed to attys Kahn and Shapiro (ded, ). (Entered: 03/21/2007)
04/02/2007	<u>154</u>	Order Setting: Telephonic Status Conference set for 5/3/2007 03:00 PM by telephone with Magistrate Keith Strong.. Signed by Judge Keith Strong on 4/2/2007. (SLL, ) Modified on 4/2/2007 to indicate copy of order mailed to attys Kahn and Shapiro (ded, ). (Entered: 04/02/2007)
04/02/2007		Joint Status Report due by 4/25/2007.. Signed by Judge Keith Strong on 4/2/2007. (SLL, ) (Entered: 04/02/2007)

04/10/2007	<u>155</u>	MOTION to Amend Scheduling Order <i>for Status Conference</i> by Stephen Hendricks. (Attachments: # <u>1</u> Text of Proposed Order)(Hendricks, Jennifer) (Entered: 04/10/2007)
04/10/2007	<u>156</u>	ORDER granting <u>155</u> Motion to Amend Scheduling Order . Signed by Judge Keith Strong on 4/10/2007. (SLL, ) Modified on 4/10/2007 to indicate copy of order mailed to Mr. Kahn and Ms. Shapiro (ded, ). (Entered: 04/10/2007)
04/10/2007		Telephonic Status Conference set for 5/7/2007 10:00 AM in Great Falls, MT before Magistrate Keith Strong.. Signed by Judge Keith Strong on 4/10/2007. (SLL, ) (Entered: 04/10/2007)
04/24/2007	<u>157</u>	STATUS REPORT by Stephen Hendricks. (Hendricks, Jennifer) (Entered: 04/24/2007)
05/07/2007	<u>158</u>	ORDER SETTING BRIEFING SCHEDULE. Modification 5/7/07(BAF, )to reflect cpies mailed to shapiro and Kahn. (Entered: 05/07/2007)
07/24/2007	<u>159</u>	MOTION for Summary Judgment <i>on Remaining Claims</i> by Federal Bureau of Investigation.Responses due by 8/17/2007. (Attachments: # <u>1</u> Memorandum# <u>2</u> Affidavit David M. Hardy (10th)# <u>3</u> Exhibit A & B# <u>4</u> Errata C & D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H (part 1)# <u>9</u> Exhibit H (part 2)# <u>10</u> Affidavit James Two Bulls# <u>11</u> Affidavit (Notice of in camera submission)) Motions referred to Keith Strong.(Wechsler, Peter) (Entered: 07/24/2007)
07/25/2007		NOTICE REGARDING ELECTRONIC SIGNATURE/DATE: re <u>159</u> MOTION for Summary Judgment <i>on Remaining Claims</i> . The signature on this document does not comply with L.R. 11.1 (b) and section I(i) of the ECF Administrative Procedures Manual, or the document is not dated. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. Electronic signature should read /s/ Name of Attorney. Also informed Mr. Wechsler that Brief/Memorandum in Support of motions should be filed as a separate event under Responses/Replies for future filings in accordance with the USDC Division of MT's Administrative Procedures Item 21. (ded) (Entered: 07/25/2007)
07/26/2007		Remark: In Camera Declarations received by Chambers of Magistrate Judge Keith Strong on July 24, 2007, per Court's Order dated March 21, 2007 (Docket No. 153). Declarations kept in Chambers. (SLL) (Entered: 07/26/2007)
08/13/2007	<u>160</u>	MOTION for Leave to File Excess Pages by Stephen Hendricks. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Keith Strong.(Hendricks, Jennifer) (Entered: 08/13/2007)
08/14/2007	<u>161</u>	ORDER granting <u>160</u> Motion for Leave to File Excess Pages. Signed by Judge Keith Strong on 8/14/2007. (SLL) Modified on 8/15/2007 to reflect that order mailed to J. Kahn and e. Shapiro.(BAF, ). (Entered: 08/14/2007)
08/17/2007	<u>162</u>	RESPONSE to Motion re <u>159</u> MOTION for Summary Judgment <i>on Remaining Claims</i> filed by Stephen Hendricks. (Hendricks, Jennifer) (Entered: 08/17/2007)
08/17/2007	<u>163</u>	Statement of Genuine Issues re: <u>159</u> MOTION for Summary Judgment <i>on Remaining Claims</i> filed by Stephen Hendricks. (Hendricks, Jennifer) (Entered: 08/17/2007)
09/07/2007	<u>164</u>	REPLY to Response to Motion re <u>159</u> MOTION for Summary Judgment <i>on Remaining Claims</i> filed by DEPARTMENT OF JUSTICE. (Wechsler, Peter) (Entered: 09/07/2007)
09/17/2007	<u>165</u>	MOTION for Leave to File Excess Pages by DEPARTMENT OF JUSTICE. Motions referred to Keith Strong.(Wechsler, Peter) (Entered: 09/17/2007)
09/17/2007	<u>166</u>	ORDER granting <u>165</u> Motion for Leave to File Excess Pages. Signed by Judge Keith Strong on 9/17/2007. (SLL) Modified on 9/17/2007 to indicate copy of order mailed to attys Kahn and Shapiro(ded, ). (Entered: 09/17/2007)
09/18/2007	<u>167</u>	RESPONSE to Motion re <u>165</u> MOTION for Leave to File Excess Pages filed by Stephen Hendricks. (Attachments: # <u>1</u> Supplement Emails between counsel)(Hendricks, Jennifer) (Entered: 09/18/2007)

09/18/2007	<u>168</u>	MOTION to Strike <u>164</u> Reply to Response to Motion by Stephen Hendricks. Responses due by 10/2/2007. Motions referred to Keith Strong. (Hendricks, Jennifer) (Entered: 09/18/2007)
09/18/2007	<u>169</u>	Brief/Memorandum in Support re <u>168</u> MOTION to Strike <u>164</u> Reply to Response to Motion filed by Stephen Hendricks. (Attachments: # <u>1</u> Supplement Emails between counsel) (Hendricks, Jennifer) (Entered: 09/18/2007)
09/18/2007	<u>170</u>	RESPONSE to Motion re <u>168</u> MOTION to Strike <u>164</u> Reply to Response to Motion filed by DEPARTMENT OF JUSTICE. (Wechsler, Peter) (Entered: 09/18/2007)
09/19/2007	171	Text Order: Plaintiff's Motion to Strike Reply Brief, Docket No. 168, is denied.. Signed by Judge Keith Strong on 9/19/2007. (SLL) Modified on 9/19/2007 to indicate copy of text order mailed to attys Kahn and Shapiro (ded, ). (Entered: 09/19/2007)
02/29/2008	<u>172</u>	FINDINGS AND RECOMMENDATIONS re <u>159</u> MOTION for Summary Judgment <i>on Remaining Claims</i> filed by Federal Bureau of Investigation Objections to FRdue by 3/17/2008. Signed by Judge Keith Strong on 2/29/2008. (SLL, ) Modified on 2/29/2008 to indicate copy of findings and rec mailed to Kahn and Shapiro (ded, ). (Entered: 02/29/2008)
03/17/2008	<u>173</u>	OBJECTION to <u>172</u> Findings and Recommendations filed by Stephen Hendricks. (Hendricks, Jennifer) (Entered: 03/17/2008)
03/25/2008	<u>174</u>	Reply to Objection to Findings and Recommendations re <u>172</u> FINDINGS AND RECOMMENDATIONS re <u>159</u> MOTION for Summary Judgment <i>on Remaining Claims</i> filed by Federal Bureau of Investigation FINDINGS AND RECOMMENDATIONS re <u>159</u> MOTION for Summary Judgment <i>on Remaining Claims</i> filed by Federal Bureau of Investigation filed by Federal Bureau of Investigation. (Wechsler, Peter) (Entered: 03/25/2008)
03/26/2008		NOTICE REGARDING ELECTRONIC SIGNATURE/DATE: re <u>174</u> Reply to Objection to Findings and Recommendations.. The signature on this document does not comply with L.R. 11.1 (b) and section 8 of the ECF Administrative Procedures Manual, or the document is not dated. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (ELL, ) (Entered: 03/26/2008)
03/31/2008	<u>175</u>	ORDER granting in part and denying in part <u>159</u> Motion for Summary Judgment; adopting Findings and Recommendations re <u>172</u> Findings and Recommendations.. Signed by Judge Donald W. Molloy on 3/31/2008. (slp) Modified on 4/1/2008 to indicate copy of order mailed to attys Kahn and Shapiro (ded, ). (Entered: 03/31/2008)
03/31/2008	<u>176</u>	JUDGMENT. Signed by deputy clerk on 3/31/2008. (slp) Modified on 4/1/2008 to correct signature on document and to indicate copy of judgment mailed to Kahn and Shapiro (ded, ). (Entered: 03/31/2008)
04/14/2008	<u>177</u>	MOTION for Attorney Fees by Stephen Hendricks. Motions referred to Keith Strong. (Hendricks, Jennifer) (Entered: 04/14/2008)
04/14/2008	<u>178</u>	Brief/Memorandum in Support re <u>177</u> MOTION for Attorney Fees filed by Stephen Hendricks. (Hendricks, Jennifer) (Entered: 04/14/2008)
04/14/2008	<u>179</u>	Declaration in Support re <u>177</u> MOTION for Attorney Fees <i>Declaration of Jennifer S. Hendricks</i> filed by Stephen Hendricks. (Hendricks, Jennifer) Modified on 4/17/2008 to correct title of document filed (ded, ). (Entered: 04/14/2008)
04/23/2008	<u>180</u>	RESPONSE to Motion re <u>177</u> MOTION for Attorney Fees filed by Federal Bureau of Investigation. (Wechsler, Peter) (Entered: 04/23/2008)
05/16/2008		Set/Reset Deadlines as to <u>177</u> MOTION for Attorney Fees. Replies due by 5/7/2008. Motions ripe 5/7/2008. (Duffy, Patrick) (Entered: 05/16/2008)
05/20/2008	<u>181</u>	NOTICE of Submitting Proposed Order re: <u>177</u> MOTION for Attorney Fees (Attachments: # <u>1</u> Text of Proposed Order) (Hendricks, Jennifer) (Entered: 05/20/2008)

		05/20/2008)
05/20/2008	<u>182</u>	ORDER granting <u>177</u> Motion for Attorney Fees. Signed by Magistrate Keith Strong on 5/20/2008. (SLL, ) Modified on 5/21/2008 to reflect a copy of order was mailed to Elizabeth Shapiro and Jeffery Kahn. (MKH, ). (Entered: 05/20/2008)
08/24/2009		ARCHIVE CASE INFORMATION FROM FRC DENVER, CO, 6 volumes, 2 expandos, 3 of 17 Box Number, 021-09-4507 FRC Accession Number (HEG, ) (Entered: 09/08/2009)